

MINUTES

Attendance

Members Present: Jonathan O'Keeffe, Bruce Carson, Richard Roznoy

Members Absent: None

Other Planning Board Members present: Denise Barberet, Rob Crowner

Staff present: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Jeff Bagg, Senior Planner

Others present and participating: Tom Ehrgood (ZBA liaison), Diana Stein (Select Board liaison), Jan Eidelson, Mary Streeter, Walter Wolnik

Discussion

The meeting began at 5:05 p.m.

University Drive Rezoning - 5:05 p.m.

The subcommittee discussed the proposed amendment to rezone the property south of the Newmarket Center on University Drive from its current zoning of OP (Office Park) to B-L (Limited Business). Bruce Carson asked about the potential to rezone other parcels to the south, extending to Route 9. Jonathan O'Keeffe indicated that this might be possible in the future, but would probably be too much to consider at the present time, given the amount of development already present on those parcels. Mary Streeter said the CPAC had heard a presentation on the project, and had raised concerns about whether there was a waiting list for senior housing, and about whether it would be appropriate to use CPA funds for the initial phase of a project that might later be extended to include non-CPA-financed elements. Mr. Tucker emphasized the importance of considering all potential future uses of a property when considering a zoning change, not just the specifics of a particular project.

The subcommittee voted 3-0 to recommend this zoning change to the Planning Board, with a public hearing expected to be held on March 17, 2010.

Development Modifications - 5:15 p.m.

Mr. Tucker gave an overview of the current status of the proposed amendment. The subcommittee discussed language in the amendment relating to the applicability of its provisions - whether developers, and town boards, should be allowed to, as opposed to required to, follow the provisions of the amendment. The consensus view was that now that the amendment includes penalties tied to negative points, in addition to bonuses for positive points, that its provisions are intended to be mandatory. The subcommittee discussed the timing of the amendment, including the question of whether it would be ready in time for the spring Annual Town Meeting, and when the public hearing should take place, relative to the signing of the warrant on April 5. The consensus view was that the best date for the public hearing was April 7, despite the fact that this would be after the signing of the warrant.

Richard Roznoy addressed issues relating to the transportation components of the amendment, saying that some categories should be consolidated, that the point penalties for negative uses should be larger, and that some point bonuses, such as section 14.75,

should be larger. Denise Barberet and Ms. Streeter both indicated that they felt that developers should be required to provide items which benefit the public good, rather than being rewarded for providing them. Ms. Barberet also raised this issue with respect to public trees, saying that developers should be required to preserve them. Mr. Tucker indicated that property owners can't be denied access to their property, and in some cases tree removal is required to accomplish this. Mr. O'Keeffe indicated that he would support reducing the point bonus for this item from +10 to something substantially lower, such as +3, and Bruce Carson suggested providing a point bonus for the addition of street trees, not just for their preservation.

Social Service Amendment - 6:25 p.m.

Mr. Tucker presented the current status of the proposed social service amendment, introducing a new version of the amendment that had been generated, breaking out shared residential uses into a separate category. The current zoning amendment does not include residential uses. Mr. Roznoy asked about how the new use categories would interact with existing categories. Ms. Barberet asked whether the new use categories would include uses such as drug rehabilitation centers, halfway houses, and troubled youth facilities, and methadone clinics. Mr. Tucker indicated that such uses would be covered by the new use categories, that these types of uses are protected uses under state law for public facilities, and many are protected under case law for private facilities. He said that the town counsel has been consulted on this issue and is expected to provide further information.

Jan Eidelson, Board Chair for the Amherst Survival Center, expressed support for the amendment, indicating that the closest fit for an institution like the Survival Center under the existing use categories is Retail, which doesn't fit their organization at all.

Family Definition Amendment - 6:40 p.m.

Mr. Tucker introduced a proposed amendment that had been submitted as a petition article, seeking to change the definition of a "Family" under section 12.142 of the zoning bylaw. This definition defines a family, in the case of unrelated individuals living together, as consisting of no more than four such individuals. The proposed amendment seeks to remove the numerical limitation, allowing larger groups of unrelated individuals to live together in a single dwelling unit. Mr. Tucker presented a list of how various communities define families, and indicated that there was substantial variation in their regulations, with limits ranging from three and four individuals in many cases, up to eight in one case, and with some communities imposing no limits. He also indicated that some communities regulate this by defining a "functional family", but said that this can create enforcement problems.

Mr. O'Keeffe asked that the petitioner be invited to the next subcommittee meeting for further discussion. Ms. Streeter asked whether there is precedent in other communities for regulating family size based on the number of bedrooms, rather than the number of individuals. Mr. Tucker indicated that he has seen a few communities that structure their definitions in a way similar to this, but that this can potentially be easier to evade than simple regulations on the number of individuals, and that bedroom counts and sizes are more a building code issue than a zoning issue.

Medical Offices from Fall 2009 - 6:45 p.m.

Mr. Tucker presented a summary of discussions that have been taking place with Diana Stein regarding the amendment passed in Fall 2009 regarding medical offices. He said that Ms. Stein has noted that for Medical Group Practices and Medical Centers, there is no upper

limit on the number of health care providers, and that there is no specific definition of the term "employee". He also indicated that Select Board member Gerry Weiss had raised an issue last fall regarding provider counts that fell between the limits of Medical Offices and Medical Group Practices, saying that because of fractional counts arising from counting Full-Time Equivalent providers rather than specific individuals, it is possible to have a provider count that doesn't fall in either of the categories. Ms. Stein said that she felt there should be upper limits on the size of Medical Group Practices.

Approval of Minutes - 6:55 p.m.

The subcommittee, by consensus, approved the minutes from the February 3, 2010 meeting.

Adjournment

The meeting was adjourned at 6:55 p.m.

Respectfully submitted by Jonathan O'Keeffe, subcommittee member

[Minutes approved 3/3/10]